

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR367
)	
vs.)	ORDER
)	
FREDERICO RIVAS,)	
)	
Defendant.)	

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Filing No. 51).

On February 6, 2007, defendant Frederico Rivas (Rivas), was ordered released upon conditions pending trial (Filing No. 27). Rivas was to reside at the NOVA Therapeutic Center in Omaha, Nebraska and to comply with various conditions of pretrial release. On October 2, 2007, Pretrial Services Officer James M. Roberts submitted a Petition for Action on Conditions of Pretrial Release alleging Rivas had violated the conditions of his release by using controlled substances. A warrant for Rivas's arrest was issued.

Rivas appeared before the undersigned magistrate judge on October 4, 2007. He was represented by Federal Public Defender David R. Stickman and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. After being advised of the nature of the allegations, his rights, and the consequences if the allegation was found to be true, Rivas admitted the allegations of the petition. The court finds the allegations of the petition are generally true and finds the defendant has violated the conditions of his release.

The court took judicial notice of the Pretrial Services Violation Report. After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be revoked. Although the court and Pretrial Services have worked with Rivas regarding his addiction on various occasions, Rivas has demonstrated his inability to refrain from the use of controlled substances. I find Rivas is unlikely to abide by conditions of release and there is no other condition or combination of conditions that would reasonably assure Rivas's presence for

further proceedings or the safety of the community in the event he were released upon conditions.

IT IS ORDERED:

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 51) is granted.
2. The February 6, 2007, Order Setting Conditions of Release of Frederico Rivas (Filing No. 27) is hereby revoked.
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 4th day of October, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge